

2013

# Office of the City Attorney



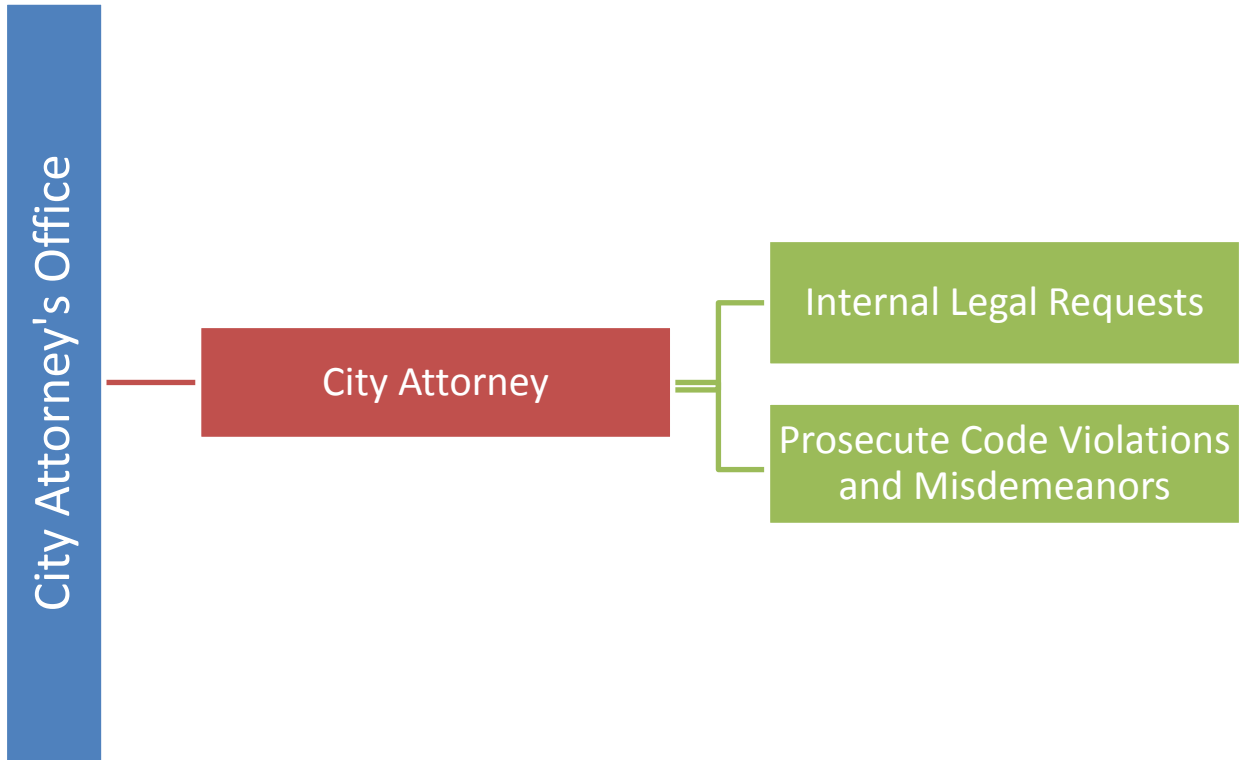
City of Sugar Land

CITY ATTORNEY’S OFFICE BUSINESS PLAN

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# 2013 BUSINESS PLAN

## FUNCTIONAL STRUCTURE



## 2013 PROGRAM OF SERVICES

### LEGAL SERVICES

#### PROGRAM SUMMARY

The Legal Department provides legal services to the City Manager, City Council, boards, commissions and Department Directors by writing, reviewing and handling legislation, contracts and other formal documents, preparing legal opinions, and handling prosecutions in Municipal Court on behalf of the City and the State of Texas. The objective is to provide responsive, competent and satisfactory services to those listed above in an effective and efficient manner. The Legal Department strives to do this with a strong sense of responsibility to contain costs through prudent use of City resources. One way the Department gauges its success is by sending a survey to those who utilize its services. Remaining services include attending meetings, providing informal advice and managing the use of outside counsel for specialized services.

By State law, the job of the prosecutor (Deputy City Attorney or DCA) in Municipal Court is to see that justice is done (CCP 45.201). This quest begins with the filing of cases in the Municipal Court. Class C misdemeanors and City Code violations are filed in Municipal Court by officers of various city departments – Police, Fire, Code Enforcement, and Animal Services. The DCA reviews and approves these cases filed for prosecution. If information in the initial filing document (citation, Intent to Prosecute affidavit) is lacking, the DCA works with the filing party to complete the missing information and the case is put into the court system.

#### SERVICES AND SERVICE LEVELS

##### INTERNAL LEGAL REQUESTS

The Department's internal legal services consist of the following:

**Processing Legal Requests.** The Department uses an internal process for requests for services. The majority of requests for legal services are processed in this manner. However, the Department recognizes that legal issues may come up unexpectedly. Providing effective legal services during such times is an integral part of the Department's mission and can be of paramount importance to the City as a whole.

When a request for legal services is made, typically the City Attorney reviews the request and assigns it to an assistant city attorney. The assistant city attorney who receives the assignment works closely with the requestor to provide services in a satisfactory manner. Communication between the attorney and the requestor throughout the course of the provision of services is important.

The vast majority of the Department's work is through its internal process for requests for legal services. Because of this, such logged requests serve as an important measure of service levels. Systematically reporting on outside claims and litigation is another important measure of progress for the Department. Other services are not quantitatively measured. These may include responding to unexpected requests for legal services, rendering informal advice, attending meetings, and responding to emergencies.

**Drafting, Reviewing and Negotiating Contracts.** The Department drafts, reviews and negotiates contracts, including contracts for the acquisition of various goods or services, development-related agreements, construction of City facilities and buildings, economic incentive agreements, electric and gas utility franchise agreements, and tax abatements.

**Drafting, Reviewing, Negotiating and Providing Legal Advice on Real Estate Documents.** The Department drafts, reviews, negotiates, and provides legal advice on contracts and documents related to the acquisition, sale, and abandonment of City real property, including easements, rights-of-way, leases and licenses, releases of lien, and encroachments.

**Preparing and Interpreting Resolutions and Ordinances.** The Department prepares and interprets resolutions enacted by the City Council, the Sugar Land Development Corporation and the Sugar Land 4B Corporation. The Department, also, prepares ordinances for City Council action and interprets those ordinances.

**Providing Legal Advice On and Drafting Documents Pertaining to Utilities and Telecommunications.** The Department provides legal advice on and drafts documents pertaining to utility, cable, and telecommunications matters that include City water, wastewater, and drainage; rates and services of public electric and gas utilities, cable television, and cell towers.

**Providing Legal Services on Employment Matters.** The Department provides legal advice on the hiring and discipline of City employees, drafts and reviews employee policies, and represents the City in employee disciplinary hearings.

**Providing Legal Advice and Drafting Opinions on Constitutional Issues.** The Department advises the City on and drafts legal opinions regarding constitutional issues, including First Amendment (i.e. City Hall publications, solicitation on public and private property, regulation of signs, etc.); Establishment Clause (i.e. use of public property for religious activities); and Due Process (i.e., employee disciplinary hearings).

**Drafting Documents Pertaining To and Providing Legal Advice On Land Use Matters.** The Department drafts documents and provides legal advice pertaining to annexation of land, platting and zoning, and comprehensive plans.

**Managing Outside Counsel Activities and Litigation.** These services include soliciting informal cost estimates for legal services, drafting contracts for the legal services, managing legal costs, overseeing outside counsel's work to meet the City's objectives, and managing lawsuit processes.

**Providing Legal Services for Miscellaneous Matters.** These services include the Economic Development Corporations, boards and commissions, special districts, legislation, copyrights and trademarks, Not-for-Profit entities, code enforcement, Public Information Requests, Open Meetings Act issues, City elections, and Charter review.

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## MUNICIPAL COURT PROSECUTION

**Municipal Court Prosecution consists of the following:**

**Prosecuting Violations.** The Deputy City Attorney (DCA) is responsible for prosecuting violations of State and local law in the Sugar Land Municipal Court. The court has jurisdiction over State law Class C misdemeanors and violations of City of Sugar Land ordinances. The court deals with adult and juvenile offenders. Cases in this court are filed by the Sugar Land Police Department, Fire Department, Code Enforcement, and Animal Services officers. City of Sugar Land Code violations and certain other Class C misdemeanors are approved by the DCA for prosecution.

The DCA represents the City and the State of Texas in trials before the judge and before the jury. The DCA prepares, reviews and revises motions, complaints and other formal documents. The DCA responds to motions and requests for information relating to court cases. The DCA represents the City in civil appeals from the red light camera program.

**Meeting With Defendants to Discuss Options.** The DCA is available to meet with defendants during morning arraignment sessions to explain the violation filed against the defendant, outline various options available to the defendant for dealing with their case, and answer any questions that the defendant may have about the law or the trial process. Additionally, the DCA meets with attorneys of represented defendants during weekly scheduled pretrial hearings. Plea options are offered to the attorneys and most of the cases end with a plea of no contest.

If a plea of not guilty is entered, the case is set for trial and is tried by the DCA either in front of a judge or jury. Judge and jury trials are scheduled weekly and cases are tried as quickly as possible.

**Preparing Cases for Prosecution.** The DCA works with the Police, Fire, Code Enforcement, and Animal Services officers to help them file their cases and prepare for court testimony. The DCA advises them on the type of evidence needed and answers legal questions. The DCA is also available to answer legal questions from departments regarding Class C misdemeanors.

**Training on Laws Pertaining to Municipal Court.** The DCA assists in training new members of the departments through informal discussions with new hires or, with the Police Department, teaching a session in the SL mini-academy for new recruits. The DCA seeks professional development through teaching judges and clerks at the Texas Municipal Courts Education Center's seminars and schools.

**Improving the Efficiency of Municipal Court Prosecution.** The DCA strives to improve performance and make the court experience as efficient as possible. Pending jury trials are reduced by conducting "double dockets". The DCA asks defendants, defense attorneys, witnesses, and officers how the court experience can be improved. The DCA attends classes and seminars and reads articles and emails from other prosecutors to see if they have found better, more efficient ways to do things.